

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE BIOGEN '755 PATENT LITIGATION

Civil Action No.: 10-cv-02734 (CCC) (JBC)

ORDER GRANTING
MOTION FOR REDACTION OF A TRANSCRIPT

This matter having been brought before the Court on Defendants EMD Serono, Inc., Pfizer Inc., and Novartis Pharmaceuticals Corp.'s (collectively "Defendants") Motion for Redaction of a Transcript, and pursuant to Local Rules 5.3(c) and 7.1, and this Court having fully considered Defendants' Declaration in Support of the Motion, any submissions in further support thereof, and any opposition thereto, as well as the record before it, the Court makes the following findings:

IT IS this 15th day of June, 2015;

THIS COURT FINDS that on December 22, 2010, a Discovery Confidentiality Order was entered in this litigation.

THIS COURT FURTHER FINDS that the following materials contain information regarding and garnered from documents and or deposition transcripts which have been designated as "Confidential" or "Highly Confidential - Outside Attorneys' Eyes Only" or would be considered to fall under one of these designations by the parties in this case pursuant to the Discovery Confidentiality Order entered in Civil Action No. 10-02734 or contain information that is of such a highly sensitive nature that it is not appropriate for public disclosure.

Redactions are sought for this document:

- the Transcript of Proceedings held on February 25, 2015, before Judge Claire C. Cecchi.

THE COURT FURTHER FINDS that this is a patent action that involves confidential information and, specifically, the transcript listed above contains confidential information regarding business strategies, trade secrets or other confidential research, development, formulation, manufacturing, regulatory, financial, marketing, commercial or competitive information or analysis of the producing party, or of a third party if such material is or was within the possession, custody, or control of the producing party, that each party has a legitimate interest in protecting as confidential and that competitors in the marketplace could utilize to gain an unfair competitive advantage to their detriment.

THE COURT FURTHER FINDS that the interests of the public that warrant granting an Order for Redaction of a Transcript include the interest of not burdening litigants' access to the Court by requiring public disclosure of valuable confidential information as a condition of litigating their rights.

THE COURT FURTHER FINDS that the clearly defined and serious injury that would result should the Order for Redaction of a Transcript not be granted is that valuable business and trade secrets created at substantial expense by the parties will be lost and competitors would unjustly gain access to them. Specifically, the parties' confidential research information would be revealed to their competitors and these competitors would unjustly gain the ability to thwart, anticipate or usurp those plans and strategies to the competitors' advantage and the parties' loss.

THE COURT FURTHER FINDS that no less restrictive alternative is available to prevent the defined and serious injury to the parties.

THE COURT FURTHER FINDS that Defendants have complied with the dictates set forth in Local Civil Rule 5.3(c)(2) and in case law related thereto.

THEREFORE, for good cause shown, based on the Discovery Confidentiality Order and in order to preserve the confidentiality of the aforementioned transcript;

IT IS ORDERED that the following portions of the Transcript of Proceedings held on February 25, 2015, before Judge Claire C. Cecchi shall be redacted and maintained under seal by the Clerk of the Court:

- a. Page 14, lines 17 (last six words)-21;
- b. Page 15 lines 19 (last three words)-23;
- c. Page 16, lines 3-8;
- d. Page 24, lines 7-10 (first word) and 12 (last four words)-24;
- e. Page 25 lines 1 (last nine words)-2(first four words); lines 10 (last nine words)-16 (first four words); lines 21 (last four words)-22 (first word);
- f. Page 26, lines 11 (last six words)-14;
- g. Page 29, lines 6 (last word)-10 (first five words); lines 11-12 (first 8 words); lines 13 (last word)-16; lines 21 (last two words)-22; line 25 (last two words);
- h. Page 30, line 1 (first word); lines 15 (last three words)-22; lines 23 (last two words)-25 (first nine words);
- i. Page 31, lines 2 (last word)-3;
- j. Page 33, lines 11 (last eleven words)-12 (first six words);
- k. Page 34, lines 3 (last eight words)-5 (first two words); lines 6 (last four words)-8; lines 13 (last five words)-16 (first two words); line 25 (last eight words);
- l. Page 35, lines 1-2 (first seven words); lines 17 (last three words)-23 (first five words); lines 24 (last three words)-25 (first five words);

- m. Page 36, lines 3 (last two words)-5 (first word); line 6 (last nine words)-7; lines 9 (last five words)-11; lines 13 (last four words)-16 (first six words); lines 18 (last seven words)-19 (first word);
- n. Page 37, line 5 (first seven words); lines 7 (last three words)-9;
- o. Page 38, line 7 (fifth and sixth words); line 8 (third and fourth words); lines 12 (last nine words)-14; lines 18 (last nine words)-19; line 21 (last seven words); line 24 (last seven words);
- p. Page 39, line 2 (last seven words); lines 4 (last five words)-5 (first eleven words); lines 15 (last four words)-16 (first eight words)
- q. Page 41, lines 6 (last nine words)-8; line 18 (last six words); lines 23 (last seven words)-24;
- r. Page 42, lines 4 (last word)-5; line 14; lines 16 (last six words)-20 (first two words);
- s. Page 44, lines 10 (last three words)-13;
- t. Page 45, line 3 (last eleven words); lines 8 (last three words)-9; lines 13 (last seven words)-14;
- u. Page 46, line 10 (first 5 words); lines 13 (last nine words)-14;
- v. Page 49, lines 7-8; lines 10 (last word)-15; lines 16 (last five words)-21; line 25 (last eight words);
- w. Page 50, lines 1-2; lines 3 (last 3 words)-6 (first 6 words); lines 9 (last 5 words)-12; lines 14 (last 5 words)-15; line 18 (fifth-ninth words);
- x. Page 57, line 21; lines 24-25;
- y. Page 58, lines 1-4 (first six words); lines 22-25;

- z. Page 59, lines 1-8; lines 9 (last three words)-19 (first two words); line 21 (first nine words); lines 23 (last four words)-24;
- aa. Page 60, lines 17 (last eight words)-20 (first 3 words); lines 21 (last nine words)-22 (first four words);
- bb. Page 61, line 1 (first seven words); lines 15 (last seven words)-16 (first six words); lines 19 (last three words)-21 (first six words)
- cc. Page 63, lines 17 (last four words)-21; line 23 (last six words)
- dd. Page 64, lines 8 (last five words)-13 (first six words);
- ee. Page 65, lines 8 (last three words)-9; line 20 (second - eighth words); lines 21 (last six words)-22;
- ff. Page 66, lines 20 (last seven words)-21 (first word);
- gg. Page 67, lines 22 (last six words)-24;
- hh. Page 68, lines 1 (last eleven words)-3 (first four words); lines 23-25 (first four words);
- ii. Page 69, lines 3 (last four words)-6; lines 8 (last nine words)-9 (first four words); lines 13 (last six words)-14; lines 16-18 (first word); line 18 (last four words)-20;
- jj. Page 72, lines 6 (last eight words)-7;
- kk. Page 73, line 1 (last nine words);
- ll. Page 74, lines 1 (last five words)-2;
- mm. Page 77, line 2 (second - eighth words); lines 4 (last eight words)-25;
- nn. Page 78, lines 1-7; lines 10 (last 10 words)-13; lines 21 (last two words)-24;
- oo. Page 79, lines 1 (last five words)-2; lines 5-8; lines 12 (last eight words)-16 (first two words); lines 23 (last seven words)-25;

pp. Page 80, line 1; lines 6-7 (first nine words); lines 11 (last two words)-12 (first eight words); lines 16 (last nine words)-17 (first ten words);

qq. Page 81, lines 11 (last eight words)-19; lines 23 (last eleven words)-24 (first words);

rr. Page 82, line 2 (fifth - ninth words); lines 5 (last four words)-7 (first two words); lines 8 (last six words)-11; lines 12 (last word)-14 (first eight words); lines 20 (last six words)-21;

ss. Page 83, lines 1 (last five words)-3 (first four words); lines 6 (last four words)-8; lines 10 (last seven words)-14 (first four words); lines 15 (last 5 words)-17; lines 20 (last eleven words)-23 (first four words);

tt. Page 84, lines 3 (last four words)-5 (first seven words); lines 16 (last two words)-18; lines 20 (last word)-23; line 25 (last five words);

uu. Page 85, line 1 (first eight words); line 4; lines 7 (last four words)-8 (first word); lines 18 (last six words)-19 (first four words); lines 21 (last 5 words)-25;

vv. Page 86, lines 3 (last ten words)-9 (first five words); lines 13 (last six words)-15; line 22 (second - eighth words);

ww. Page 87, lines 3 (last 12 words)-4; lines 6-7 (first 3 words); lines 9 (last five words)-11 (first four words);

xx. Page 88, lines 10 (last ten words)-13; lines 15 (last nine words)-16 (first ten words); lines 21 (last six words)-24;

yy. Page 89, lines 3 (last word)-5 (first three words); lines 6 (last 5 words)-9;

zz. Page 90, lines 8 (last word)-9 (first eleven words); line 25 (sixth - thirteenth words);

aaa. Page 91, line 1 (first word); lines 4 (last eleven words)-6 (first two words); lines 7 (last ten words)-10; lines 15 (last word)-16 (first five words);

bbb. Page 92, lines 6 (last eight words)-11;

ccc. Page 93, lines 11-15; lines 18 (last nine words)-19 (first five words); line 21 (second - ninth words);

ddd. Page 94, lines 3 (last four words)-4 (first five words); lines 12 (last four words)-13; lines 22 (last eight words)-23;

eee. Page 95, lines 3 (last four words)-4 (first nine words); line 13 (fifth - ninth words);

fff. Page 96, line 7 (last three words); line 9 (second - fifth words);

ggg. Page 97, lines 11 (last word)-line 12 (first four words); lines 22 (last eight words)-24;

hhh. Page 98, lines 1 (last word)-4; line 6 (fourth - eight words); lines 13 (last nine words)-14 (first seven words).

SO ORDERED:



Honorable James B. Clark, III
United States Magistrate Judge

It is further ORDERED that the Clerk of the Court terminate the aforementioned motion accordingly [Docket Entry No. 337]